

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLIVIA Y., et al

Plaintiffs

v.

PHIL BRYANT, as Governor of the
State of Mississippi, *et al.*,

Defendants

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CIVIL ACTION NO. 3:04cv251 TSL-FKB

**DEFENDANTS' MOTION FOR APPROVAL
OF CONTENTION DISCOVERY
RELATED TO RULE 60(b) MOTION**

The Plaintiffs' Motion For Scheduling Conference And For Amended Case Management Order Permitting Limited Discovery; And Response To Defendants' Objections To Plaintiffs' Proposed Discovery (the "Plaintiffs' Scheduling Conference/CMO Motion") [Dkt. No. 768] was heard by the Court on Friday, August 24, 2018.

Because the Plaintiffs' Scheduling Conference/CMO Motion requested both a Scheduling Conference and entry of a Case Management Order relating to the Defendants' Rule 60(b) Motion, the Defendants believed that the Court's rulings with regard to permissible discovery and the scope of discovery would be reciprocal and would authorize Defendants to serve limited contention discovery related to the Plaintiffs' defenses to the Rule 60(b) Motion and related supporting documents and witnesses.

To this end, the Defendants' Response to the Plaintiffs' Scheduling Conference/CMO Motion requested that the Court "convene a Scheduling Conference, establish an expedited schedule for

resolution of the Rule 60(b) Motion, and determine after conference the nature and scope of discovery, if any, that is appropriate." [Dkt. No. 771].

The Order entered by the Court relating to Plaintiffs' Scheduling Conference/CMO Motion did not address reciprocal contention discovery by the Defendants relating to the Plaintiffs' defenses, and supporting witnesses and documents to the Rule 60(b) Motion. The Defendants, therefore, request the Court authorize the Defendants to file the contention discovery attached to this Motion as Exhibit "A". This discovery is limited to the 60(b) Motion and will allow the Defendants to prepare for the Rule 60(b) Motion Hearing and related briefing.

In light of the nature of this Motion, the Defendants request relief from the requirement to file a Memorandum Brief in support of this response. *See* Uniform Local R. 7.

RESPECTFULLY SUBMITTED, this the 28th day of August, 2018.

PHIL BRYANT, as Governor of the State of Mississippi; JESS H. DICKINSON, as Commissioner, Mississippi Department of Child Protection Services; and TRACY MALONE, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ James L. Jones

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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SO CERTIFIED, this the 28th day of August, 2018.

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